

SUBSTANDARD LIVING CONDITIONS SPECIAL COMMITTEE

JANUARY 19, 2016

A meeting of the Substandard Living Conditions Special Committee was held Monday, January 19, 2016, at 7:00 p.m. in the Aldermanic Chamber.

Alderman Ken Siegel, Chair, presided.

Members of Committee present: Alderman Don LeBrun, Vice Chair
 Alderman-at-Large Lori Wilshire
 Alderman-at-Large Mark S. Cookson
 Alderman-at-Large Michael B. O'Brien, Sr.

ELECTION OF COMMITTEE CLERK

Chairman Siegel called for nominations for the Committee Clerk for the 2016-2017 term.

ALDERMAN LEBRUN NOMINATED ALDERMAN O'BRIEN

MOTION BY ALDERMAN COOKSON TO CLOSE THE NOMINATIONS

VOTE ON NOMINATION OF ALDERMAN O'BRIEN AS COMMITTEE CLERK FOR THE 2016-2017 TERM MOTION CARRIED

Alderman Siegel duly elected Alderman O'Brien as committee clerk.

PUBLIC COMMENT – None

Alderman Siegel

This meeting is basically more organizational than functional in that we are going to talk about what the role of the committee is as a carry-over from last term where we were at and what types of assignments we'd like to have over the near term from the members of the committee. I'd like to briefly describe what happened last term and where we left off because I am actually the only full over member of the committee. Plenty of newspaper articles about what went on and the basic idea was that we took a lot of testimony from people who have an interest on both sides of this issue. They described conditions at several locations. We had a large list of locations that we initially examined based on statistics that were generated by a combination of Nashua Fire Rescue, the Nashua Police Department and the ambulance services. That was a calls for service list and after a lot of conversations about that we sort of narrowed things down a little bit to where the true problem areas were. There were certain locations that have high calls for service but those calls for services were more reflective of a population that was for example elderly. Those calls for service weren't really the types of calls for service that represented society problems as much as they were just the standard medical issues that occur when you have a more elderly population. Those types of housing locations are really not problematic and not really so much the interest of this committee because they are not substandard. Part of our goal was to narrow our focus down to those elements that were probably not meeting the expectations of the citizens and the taxpayers. So, what we narrowed it down to was the Country Barn Motel was one that was on the original list although to their credit I will say that the call incidents was lower than what was originally reported because the number of rooms was calculated incorrectly. Nonetheless they still remain on the list. The 23 Temple Street is probably the tall pole as it were and Layton House which is very close to that is another problem area that we have found. There may be individual locations in the city and individual landlords where there are specific issues that we've seen. Those have not come to our

attention at this point but hopefully, the goal ultimately, as was stated in the last term was to gather information from both sides of the problem; both the people who are living in these locations and the people affected that own property both problematic properties and the non-problematic properties and find out what their issues are and be able to find out what the tool set is that we have now and align the tool set that we have now with the desired tool kit that the city enforcement personnel can use so we get better outcomes. That would be the role of this committee. We are not an ongoing terror unit to try to beat down local businesses and we are not really an appeals court for housing issues, we are here to solve a defined problem. In the last term we just ran out of time. Some of the things that we didn't do that I'd like to assign is that we did not have any site visits because we ran out of time and it was the holiday season. We did not hear from the landlords, they certainly were welcome to come to any of our open meetings but there were no formal requests despite what the newspapers said, I want to make it clear that we did not make a formal request that was turned down to any landlord. We are going to make formal requests for them to come and speak on the issues and we are also going to have them hopefully come in or arrange for tours. The second thing that was an action item that was unable to be accomplished because we ran out of time was to look at what is the legislative landscape right now at the state level and federal level as well as the city level. What constraints are we operating in and what types of things might be changed. I think this committee is very fortunate that we have two Aldermen who are also State Representatives. Those are the immediate things that I think we need to take a look at.

Alderman O'Brien

One of the reasons why I did run was because of the clarity. Over the years being a State Representative and seeing the workings of the city combines the two so you can see. One of the things that I did pick up that you mentioned in the *Telegraph* editorial is the venue for evictions. I was able to look at and come up with a late minute amendment and hopefully it's going to be attached to a bill. It's going to be heard within the judiciary. Most of the people up there do agree that the venue should be the held in the court that has jurisdiction geographically. It is favored in Concord, whether this gets attached directly to the bill; it's in the works.

Alderman Siegel

Thank you very much, that's great news.

Alderman LeBrun

At the last meeting as an Alderman-elect I just want to say that I did get some insight as to what the committee is looking for and what the intention of the committee is. I think I can get off on the right foot.

ORGANIZATIONAL TASK ASSIGNMENTS

Alderman Siegel

Awesome, that's good to hear and again, I am happy to that we have two State Representatives on board. At this time there are two major action items. There's looking at the legal landscape and arranging the site visits and the contacts with the landlords in a formal sense because I would request that we actually put it in writing so there is no ambiguity about whether anybody was contacted. Would anybody like to volunteer for viewing the legal landscape and getting a sense of that to report back to the committee? Would it be appropriate to ask the state legislator's to look into that?

Alderman O'Brien

Are you talking about such as like what corporate counsel to go on site visits?

Alderman Siegel

No, I'm talking about the information that is available right now in the housing code, that state statutes and potentially case law if appropriate. It's basically looking at the legal landscape in which we are operating right

now and how is that in consort with what the goals of this committee should be and what changes might need to happen. My recommendation would be to both look at the legal landscape by contacting our legal department as well as staff because they are very familiar with this.

Alderman O'Brien

Yes because as far as I know each community has a code enforcement and using the bulk of codes and we could probably find that out.

Alderman Siegel

We have been given some information and at one of our meetings it was kind of enlightening to hear how little code enforcement is empowered at this point, it was really surprising and I think it would be informative if we had a conversation with them again now that we can speak directly to them which would be very efficient and probably learn more about that. I have some information that was given to me at the very end of the year by staff and I'm going to get this copied. It's a copy of the housing code as well as some sheets that they put together on some of the legislation that is relevant. I'm not sure how complete this is but this would be a good place to start to ask questions. The other thing that we need to do and hopefully we can get this done by the end of next week is to make those contacts with the three sites. If I might prevail on our colleague, Alderman Cookson as the only remaining body without an assignment here to do that, would that be appropriate?

Alderman Cookson

I would be honored.

Alderman Siegel

The actual amount of legal is more open-ended because it's not clear how long that's going to take and it's going to be an on-going process. I think it's pretty reasonable to expect by the end of say next week that we could at least have made contact and have gotten an answer one way or the other with those three locations and hopefully set up a site visit or a set of dates that we can go visit. Hopefully before our next meeting we will have hopefully at least been able to visit one or more of these sites so we will have something to speak about and also get some of the landlords in here to have a conversation with us to talk about their perspective on what it is we are trying to do because I think that's important. Again, we are fighting the law of unintended consequences here by trying to help people and by paying attention to all sides of the issues and not end up hurting more than we can help.

Alderman Cookson

You made mention about staff being available to us and I just wanted to know as we move into this next term with the new Mayor, Mayor Donchess, is there a protocol for us to adhere to as we are exploring and trying to contact staff? Are you familiar with any requests from Mayor Donchess as to how we interact with his staff?

Alderman Siegel

He did not say anything specific but I spoke with Mayor Donchess today, he actually called me and asked if there was anything that I needed from staff for tonight's meeting. That was fairly refreshing. My guess is that Mayor Donchess will take the viewpoint like Nordstrom's in that we use our best judgement and will probably contact staff where it is appropriate and we will do it in a way that doesn't interfere with their daily operations. We will not make demands on staff or their time; we are not allowed to tell them what to do. I think that reasonable inquiries are probably welcomed based on my conversation with Mayor Donchess.

PUBLIC COMMENT

Ms. Sylvia Gayle, 4 Sergeant's Square

Just picking up from your prior conversations, if you are interested in getting a comprehensive and accurate legal landscape for the interplay of state, local and federal code enforcement and housing law, I would suggest that you might want to invite New Hampshire Legal Assistance to come in and

brief you on housing law and how it effects tenants and landlords including the issue of public housing facilities; the bed bug issue. I was in the legislature two years ago and we actually passed a bill having to do specifically with bed bugs and it might be also helpful for this committee to review that law. The law was very clear and it was created on the basis of a community gathering in Manchester of landlords, tenants, community organizations and fire rescue when bed bug outbreaks were horrible. The law very clearly and precisely outlines who has responsibility for doing what at what point in time in the outbreak and remediation thereof. It might be helpful to have that included in your education on this. Legal Assistance would be a great resource to you all. They are handling a great majority of landlord/tenant assistance in the state for about 35 years now. The other piece about city staff, and I do think that you will find that you have greater access to them than in the past, I was actually at the meeting when you had city staff here and what I heard them say was that despite the high profile of these residences that you have already listed, their bigger frustration and difficulties lie with the absentee landlords. I know that there was legislation passed last year or the year before that did not pass in the senate that would have required landlords to have a local contact available for such instances. I know that landlord/tenant issues spiral out of control mostly when the landlords cannot be reached and people who cannot be reached cannot be held accountable. That's a legislative response that maybe should be looked at again. The House passed the bill and it came through the judiciary so I am a little more familiar with it than some others and the Senate killed it. The landlord lobby in this state is very strong and it doesn't always move forward in the most truthful representations what bills are going forward. They are very strong and very powerful. To get good law passed on behalf of tenants and landlords that would be mutually agreeable and helpful can be very difficult in this state. The only other thing I wanted to say is that again, especially with new committee members coming on, there are gaps in our city code enforcement is my understanding from hearing the staff represent that night that motels and campgrounds are not even under their authority really because they are not considered permanent residences and nor should they be. Some of these places like Motel 6, the campgrounds up on Broad Street; they really do not come under the authority of code enforcement so that definitely needs to be looked at.

Mr. Nathaniel Durgin, 4 Victoria Drive

I just want to echo the last comments that were made about the motels and the campgrounds. That's what I heard in the previous Substandard Living Conditions Committee meetings that they do not have to comply with the building codes or health or housing codes of the city. As a matter of fact, part of my request to the Board of Aldermen back in September was specifically about the Country Barn Motel & Campground after seeing the show on t.v. called "Bite Me – Hotel Impossible." My request to the committee is the legality of those operations. I provided the committee with information regarding what they have done to me in retaliation of me bringing this issue to the city back two years ago and they continue to do that today. I've submitted pictures to the committee of what they have done to my property which abuts the Country Barn Motel. It's a rental property that I own on Unicorn Way and it's created a lot of blight and a lot of aggravation for me since I purchase the property and asked the city why they were building all of the sheds in the back. I've asked the city in the past and I'm asking again to explore looking into the legality of the operation based on articles that I provided to the committee dating back to 1985 which stated that the City of Nashua was suing the previous owner which was the father of the current owner for creating an illegal motel and campground. I don't think your committee is going to get anywhere based on what I heard from the different departments that were present at one of the Substandard Living Conditions Committee meeting. They basically all said that they don't have jurisdiction over motels or hotels or campgrounds, in fact, some of them weren't even aware that this campground was in Nashua.

Alderman Siegel

I want to make it clear to everyone that is one of the things that we've talked about; where are there holes and so we are going to try to examine where there are holes and how to plug them essentially if they are worth plugging. We are trying to do this in a fashion that is deliberate. I really want to avoid just throwing legislation at a wall because there are so many things that can happen that are

not expected. It's a shame that we have to have a sense of urgency about we are doing. Just today I met with Cathy Tucker, she was one of the women that testified at our first meeting and she was retaliated against and it appears that it's happening again so I met with her at the library and she again provided me with receipts showing that she had, in fact, paid her rent. This is what happens when you get a situation where you think the momentum has stopped and so it's okay. Hopefully we can look into that and stop that kind of stuff from happening.

REMARKS BY THE ALDERMEN

Alderman Cookson

I just want to say that I am looking forward to working with this committee on these issues and I think we will be able to make some good progress; especially seeing that two of our members are State Representatives. I think there is a wonderful tie in between addressing it at the state level and addressing it at the local level so I'm very excited to be working with this committee.

Alderman LeBrun

There was a bill last year that I sponsored dealing with the lead paint issue and evictions over lead paint and that bill is still active and it goes into the process needed to evict somebody if there is the presence of lead paint. That somewhat goes along with what we are doing here as far as eviction notices.

Alderman O'Brien

In my time as a firefighter I have seen how substandard how some of our people are actually living in and some of them not by their design, just by their particular station in life and I think this is a committee that can step forward and help these people.

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT

MOTION BY ALDERMAN WILSHIRE TO ADJOURN MOTION CARRIED

The meeting was declared closed at 7:29 p.m.

Alderman Michael B. O'Brien
Committee Clerk